

### **REMARKS**

The Office Action dated October 28, 2008, has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

### **STATUS OF THE CLAIMS**

Claims 1-25 are currently pending in the application, of which claims 1, 10, 18, and 22 are independent claims. Claims 1-25 have been amended to more particularly point out and distinctly claim the invention. No new matter has been added. Claims 1-25 are respectfully submitted for consideration.

### **CLAIM OBJECTIONS**

Claims 1-5, 8, 10-13, 18-20, and 22-25 were objected to because of informalities, specifically, the acronym “SND” had no antecedent basis. Applicants have amended independent claims 1, 10, 18, and 22 to recite “a shared network domain (SND).” Therefore, it is respectfully submitted that this objection, for independent claims 1, 10, 18, and 22 and their dependent claims 2-5, 8, 11-13, 19-20, and 23-25, is now moot in view of the amendments.

Claim 1 was objected to because of informalities. Applicants have added a “:” to the word “comprising,” and have deleted the “,” after the term “SND,” as suggested in

the Office Action. Therefore, it is respectfully submitted that this objection is now moot in view of the amendments.

Claims 10, 18, and 22 were objected to because of informalities, in particular, the preamble being incorporated into the body of each of the claims. Applicants have implemented a transition term in each of the claims, as suggested in the Office Action, and have amended each of the claims to separate the preamble from the body. Therefore, it is respectfully submitted that this objection is now moot in view of the amendments.

Reconsideration and allowance of claims 1-5, 8, 10-13, 18-20, and 22-25 is therefore respectfully submitted.

#### **CLAIM REJECTIONS UNDER 35 U.S.C. 112**

Claim 2 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants have deleted the phrase “if yes,” and have amended the claim to instead recite “when the new SND code is already known to the terminal.” Therefore, it is respectfully submitted that this rejection is now moot in view of the amendments. Reconsideration and allowance of claim 2 is therefore respectfully submitted.

### **CLAIM REJECTIONS UNDER 35 U.S.C. 103**

Claims 1-2, 4, 6-12, 14-19, and 21-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,236,784 of Johannesson et al. ("Johannesson") in view of U.S. Patent Appln. Pub. No. 2006/0217153 of Coles et al. ("Coles"). The Office Action acknowledged that Johannesson fails to disclose or suggest all of the features of any of the presently pending claims, and cited Coles to remedy the deficiencies of Johannesson with respect to the rejected claims. Applicants respectfully traverse this rejection, at least in part. Applicants respectfully submit that claims 1-2, 4, 6-12, 14-19, and 21-25 recite subject matter that is neither disclosed nor suggested in the cited art.

Claim 1, upon which claims 2-9 depend, is directed to a method for selecting a service or service provider in a shared network configuration which includes at least one terminal, at least one access network, and at least two alternatively selectable services or service providers accessible via the access network. The method includes broadcasting, from the access network to the terminal, a shared network domain (SND) code which indicates that at least two services or service providers are accessible via the access network. The broadcast SND code is changed only when there is a change in available services or service providers accessible via the access network. The method also includes checking, in the terminal, whether SND code changes. The method further includes when detecting that SND code has changed, checking, in the terminal, whether the terminal contains or has access to information regarding available services or service

providers associated to the changed SND code. The method additionally includes selecting, in the terminal or the access network or another network element, an available service or service provider.

Claim 10, upon which claims 11-17 depend, is directed to a system for selecting a service or service provider in a shared network configuration. The system includes at least one terminal, at least one access network, and at least two alternatively selectable services or service providers accessible via the access network. The access network is configured to broadcast, to the terminal, an SND code which indicates that at least two services or service providers are accessible via the access network. The access network is configured to change the broadcast SND code only when there is a change in available services or service providers accessible via the access network. The terminal is configured to check whether the broadcast SND code changes, and, when detecting that the SND code has changed, to check whether the terminal contains or has access to information regarding available services or service providers associated to the SND code. The terminal or the access network or another network element is configured to select an available service or service provider.

Claim 18, upon which claims 19-21 depend, is directed to a terminal for use in a system for selecting a service or service provider in a shared network configuration which includes the terminal, at least one access network, and at least two alternatively selectable services or service providers accessible via the access network. The terminal includes a processor configured to check whether an SND code broadcast by the access

network changes, and when detecting that the SND code has changed, to check whether the terminal contains or has access to information regarding available services or service providers associated to the changed SND code. The processor is configured to select, when detecting that the terminal contains or has access to information regarding available services or service providers associated to the changed SND code, an available service or service provider associated to the changed SND code.

Claim 22, upon which claims 23-25 depend, is directed to an access network for use in a system for selecting a service or service provider in a shared network configuration which includes at least one terminal, the access network, and at least two alternatively selectable services or service providers accessible via the access network. The access network includes a transmitter configured to broadcast, to the terminal, an SND code which indicates that at least two services or service providers are accessible via the access network. The access network also includes a processor configured to change the broadcast SND code only when there is a change in available services or service providers accessible via the access network. The terminal is configured to check whether the SND code broadcast by the access network changes, and when detecting that the SND code has changed, to check whether the terminal contains or has access to information regarding available services or service providers associated to the changed SND code.

Based on its actual filing date, Johannesson (filed March 22, 2005) is not prior art with respect to the present application since it was filed after March 29, 2004, which is

the priority date for the present application. Applicants note that Johannesson's effective (not actual) filing date would appear to be March 26, 2004, based on its relationship to U.S. Provisional Patent Appln. No. 60/556,553 (the '553 application), or March 23, 2004, based on its relationship to U.S. Provisional Patent Appln. No. 60/555,510 (the '510 application). Applicants note, however, that the '553 and the '510 applications are quite different, at least in form, from Johannesson. In any event, the '553 and the '510 applications were not published, as provisional applications are not published by the USPTO. Accordingly, for at least these reasons, it is respectfully requested that the rejection be withdrawn as based on a reference that is not prior art under 35 U.S.C. 102(e) or any other statutory section. If the rejection is maintained based on the disclosure of the '553 and/or the '510 applications, it is respectfully submitted that a prima facie rejection must substantiate the rejection with reference to those disclosures, by page and line number of those documents.

Nevertheless, for the Examiner's convenience, the following discussion of the cited art is provided.

Applicants respectfully submit that the combination of Johannesson and Coles does not disclose or suggest all of the features of any of the presently pending claims.

Johannesson generally relates to a method for selecting a public land mobile network (PLMN) from a plurality of available PLMNs. The method includes transmitting, via a mobile network, information related to the plurality of available PLMNs. The method also includes receiving, at a mobile station, the information related

to the plurality of available PLMNs. The method further includes responsive to the receiving, sending, to the mobile network, a Non-Access-Stratum (NAS) signaling message including an identification data for selecting one PLMN from the plurality of available PLMNs (*see* Johannesson at Abstract).

Coles generally relates to a subscriber identity module for use in mobile communications networks. The subscriber identity module stores a list of preferred mobile communications networks, other than the home mobile network, to be selected for providing services. The subscriber identity module is adapted to modify the list of preferred networks in response to location information (*see* Coles at Abstract).

Applicants respectfully submit that the combination of Johannesson and Coles fails to disclose or suggest all of the features of any of the presently pending claims. Specifically, the combination of Johannesson and Coles does not disclose or suggest “when detecting that SND code has changed, checking, in the terminal, whether the terminal contains or has access to **information regarding available services or service providers** associated to the changed SND code,” as recited in claim 1 and similarly recited in claims 10, 18, and 22 (emphasis added).

The Office Action took the position that Johannesson fails to disclose or suggest these features of claims 1, 10, 18, and 22, and cited Coles to remedy these deficiencies of Johannesson with respect to the claims. In particular, the Office Action asserted that an SND code is disclosed by an PLMN list of Coles at page 1, paragraphs [0002]-[0007] (*see* Office Action at page 4). Coles states, “[An] ‘refresh’ option causes [a] mobile

terminal to read the PLMN list as updated ... and thus to find [a] preferred network for the current country on the preferred network list” (*see* Coles at page 3, paragraph [0057], lines 2-6). Coles also states, “PLMNs in the preferred PLMN file are listed with [Mobile Country Code (MCC)] ... By comparing the present MCC as derived from [a file in the terminal] ... to the MCCs ... listed in the PLMN file, [an] applet is able to identify preferred networks for the country in which the subscriber is currently roaming” (*see* Coles at page 3, paragraph [0051], and Figures 4-5). In other words, when the terminal reads the PLMN list as updated, the applet of the terminal checks whether the terminal contains **the present MCC that matches one of the MCCs** associated to the updated PLMN list.

However, Coles fails to disclose or suggest that when the terminal reads the PLMN list as updated, the terminal checks whether the terminal contains or has access to **information regarding available services or service providers** associated to the updated PLMN list. Accordingly, Coles does not disclose or suggest when detecting that an SND code has changed, checking, in the terminal, whether the terminal contains or has access to information regarding available services or service providers associated to the changed SND code. As stated in the present application, “When [user equipment (UE)] detects that the broadcast SND identity or code has changed, it preferably checks the identities of available ... operators and their associated network configuration information, e.g. from its [Universal Subscriber Identity Module (USIM)], [or] the [mobile equipment (ME)] memory ... depending on whether the new SND code is known



by the terminal or not, before registering to the network” (*see* Specification at page 7, lines 12-17). Thus, the MCCs of Coles cannot correspond to the information regarding available services or service providers of the claimed invention because the MCCs do not include identities of available operators and their associated network configuration.

Thus, the combination of Johannesson and Coles fails to disclose or suggest “when detecting that SND code has changed, checking, in the terminal, whether the terminal contains or has access to information regarding available services or service providers associated to the changed SND code,” as recited in claim 1 and similarly recited in claims 10, 18, and 22.

For at least the reasons discussed above, Applicants respectfully submit that the combination of Johannesson and Coles does not disclose or suggest all of the elements of claim 1, 10, 18, and 22. Accordingly, Applicants respectfully request that the rejection of claims 1, 10, 18, and 22 be withdrawn.

Claims 2, 4, 6-9, 11-12, 14-17, 19, 21, and 23-25 depend respectively from, and further limit, claims 1, 10, 18, and 22. Thus, each of claims 2, 4, 6-9, 11-12, 14-17, 19, 21, and 23-25 recite subject matter that is neither disclosed nor suggested in the combination of Johannesson and Coles. It is, therefore, respectfully requested that the rejections of claims 2, 4, 6-9, 11-12, 14-17, 19, 21, and 23-25 be withdrawn.

Claims 3, 5, 13, and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Johannesson in view of Coles and further in view of European Patent

Appln. Pub. No. 1353521 of Bourdeaut et al. (“Bourdeaut”). Applicants respectfully traverse this rejection.

Claims 3, 5, 13, and 20 depend from and further limit claims 1, 10, and 18, respectively. At least some of the deficiencies of the combination of Johannesson and Coles with respect to claims 1, 10, and 18 are discussed above. Bourdeaut does not remedy the above-identified deficiencies of the combination of Johannesson and Coles, and, therefore, the combination of Johannesson, Coles, and Bourdeaut fails to disclose or suggest all of the elements of any of the presently pending claims.

Bourdeaut generally relates to cell reselection by a mobile station when PLMNs of different operators are available (*see* Bourdeaut at Abstract). Unsurprisingly, however, Bourdeaut is silent as to “when detecting that SND code has changed, checking, in the terminal, whether the terminal contains or has access to information regarding available services or service providers associated to the changed SND code,” as recited in claim 1 and similarly recited in claims 10 and 18, with respect to which the combination of Johannesson and Coles is deficient.

Accordingly, Bourdeaut does not remedy the above-identified deficiencies of the combination of Johannesson and Coles, and, therefore, the combination of Johannesson, Coles, and Bourdeaut fails to disclose or suggest all of the elements of claims 3, 5, 13, and 20, which depend from and further limit claims 1, 10, and 18, respectively. Thus, Applicants respectfully request that the rejection of claims 3, 5, 13, and 20 be withdrawn.

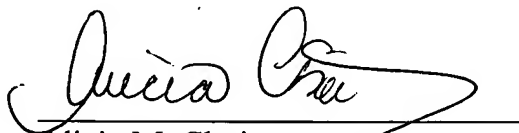
## **CONCLUSION**

For the reasons set forth above, it is respectfully submitted that each of claims 1-25 recites subject matter that is neither disclosed nor suggested in the cited art. It is, therefore, respectfully requested that all of claims 1-25 be allowed, and that the present application be passed to issuance.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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